

MEMORANDUM

TO: The Nevada County Transportation Commission

FROM: Daniel B. Landon, Executive Director

SUBJECT: Executive Director's Report for the January 19, 2005 NCTC Meeting

DATE: January 12, 2005

1. TRANSIT/PARATRANSIT GOVERNANCE STUDY

The purpose of this study is to analyze the existing transit governance structure in western Nevada County and to compare other transit governance models to determine the most cost-effective and efficient ways of providing transit and paratransit services. A Project Advisory Committee (PAC) consisting of representatives from the Nevada County Transportation Commission (NCTC), the Transit Services Commission, Nevada County Transit Services Division, Gold Country Telecare, Inc., and the Citizen's Coalition for Public Transit is overseeing the study process.

The Project Advisory Committee (PAC) met on December 13th to discuss the peer review working paper and project schedule. After the PAC reviewed the project schedule, they decided to delay presenting the *Western Nevada County Transit/Paratransit Governance Study* draft report to the Transit Services Commission until their February 19th meeting in order to provide more time for review and comment by the stakeholders. The PAC met on January 4th to review and discuss the recommended governance structure. The consultant is currently completing the executive summary and the draft report should be completed and available for review and comment in mid-January.

2. AIR QUALITY CONFORMITY OVERVIEW

On June 15th 2004, the Environmental Protection Agency (EPA) designated western Nevada County as a "non-attainment" area under the Federal 8-hour ozone national air quality standard. The standard is designed to protect the public from exposure to ground-level ozone. Ozone is unhealthy to breathe, especially for people with respiratory diseases, and for children and adults who are active outdoors. The 8-hour ozone standard is based on averaging air quality measurements over 8-hour blocks of time. EPA uses the average of the annual fourth highest 8-hour daily maximum concentrations of ozone from each of the last three years of air quality monitoring data to determine a violation of the ozone standard.

Designation as a non-attainment area requires the completion of a "Transportation Conformity Finding" and development of a State Implementation Plan (SIP) by the dates shown below:

| | |
|----------------|--|
| June 15, 2004: | Designation by EPA for non-attainment under the new Federal 8-Hour Ozone Standard |
| June 15, 2005: | Interagency Consultation Process in place and a Transportation Conformity Analysis/Determination finding approved by EPA |
| June 15, 2007: | State Implementation Plan must be approved by EPA |

Rural non-attainment areas are required to complete a Transportation Conformity Analysis/Determination one year after designation as a non-attainment area. The "Conformity" finding must show that all regionally significant federal and non-federal transportation projects do not create new violations of the National Ambient Air Quality Standards (NAAQS), increase the severity of NAAQS violations, or delay timely attainment.

Non-attainment areas are then required to prepare and submit a SIP no later than three years after the date of designation. The SIP is an air quality plan developed by the California Air Resources Board, in cooperation with local air districts, to attain and maintain Federal Clean Air Act Standards. The SIP for western Nevada County will identify all sources of emissions of pollutants that exceed federal standards in the non-attainment area and detail the strategies the area will utilize to meet the NAAQS. The SIP for our region will be incorporated into a statewide SIP that will outline the measures that the state will take in order to improve air quality in non-attainment areas. Once a non-attainment area meets the air quality standards and additional redesignation requirements in the Clean Air Act, EPA will designate the area to be attainment as a "maintenance area".

NCTC and Northern Sierra Air Quality Management District (NSAQMD) are working with the appropriate state and federal agencies to develop a framework that identifies the consultation procedures and responsibilities as required in the Conformity Consultation Process. NCTC staff is currently working on revising the draft *Consultation Procedures for Transportation Conformity Memorandum Of Agreement*. Once this document is revised, staff will coordinate with the NSAQMD to schedule the next meeting to review the final draft document in mid-January.

After the document is completed, NCTC staff and the stakeholders will begin working on the steps necessary to complete the transportation conformity analysis. NCTC will utilize its traffic model and work in conjunction with the NSAQMD to provide outputs from the model for vehicle miles traveled, speed summaries, lane miles, and other data for western Nevada County. The Transportation Conformity Analysis will permit transportation improvement projects in the region to continue until a SIP is developed for the region in June 2007.

3. REGIONAL TRANSPORTATION PLAN UPDATE

The California Government Code requires Regional Transportation Planning Agencies (RTPA) to submit an adopted Regional Transportation Plan (RTP) every four years to Caltrans and the California Transportation Commission. NCTC staff is currently working on an update of the *Nevada County Regional Transportation Plan*. The RTP identifies existing and future transportation problems, proposes solutions, considers all modes of travel, and identifies anticipated funding for projects and programs. The RTP also addresses special factors affecting the transportation system, such as air quality, land use, special transportation needs, and multi-modal integration. NCTC staff plans to have the draft RTP available for review and comment in early April, and to receive comments from the Commission at their May meeting.

4. FISCAL YEAR 2004/05 UNMET TRANSIT NEEDS

The NCTC's responsibility for administration of the Transportation Development Act (TDA) funds includes the annual Unmet Transit Needs process which has three components: soliciting testimony on unmet transit needs; analyzing needs in accordance to adopted definitions of "unmet transit needs" that are "reasonable to meet"; and adoption of a finding regarding unmet transit needs. State law requires the NCTC to ensure that any transit needs that are found reasonable to meet, are met prior to any TDA funds being allocated for non-transit purposes.

In accordance with the Transportation Development Act, the following outreach efforts have been, or will be, conducted to receive testimony on unmet transit needs that may exist in Nevada County:

- A joint public workshop with staff from NCTC, Placer County Transportation Planning Agency, and the Tahoe Regional Planning Agency was held on October 7th at 2:00 p.m. at the North Tahoe Conference Center, 8318 North Lake Blvd., Kings Beach, CA 96143.
- A meeting of the Social Services Transportation Advisory Council (SSTAC) will be held on January 11th to review the unmet transit needs process and to allow the SSTAC members an opportunity to identify any potential unmet transit needs.
- The Transit Services Commission will host a public hearing on unmet transit needs for Fiscal Year 2004/05 at their January 19th meeting at 10:00 a.m. at the Grass Valley City Hall Council Chambers (lower level), 125 East Main Street, Grass Valley, CA 95945.

After receiving public comment on the perceived transit needs, NCTC staff will complete an assessment of those needs. The *Nevada County Transit Needs Assessment*, along with a recommendation from the SSTAC, will provide the basis for the NCTC to make findings in accordance with the TDA regarding “unmet transit needs” and needs that are “reasonable to meet”.

5. CALIFORNIA TRANSPORTATION COMMISSION’S 2004 ANNUAL REPORT TO THE LEGISLATURE

The California Transportation Commission (CTC) annually submits a report to the Legislature summarizing the decisions made regarding allocating transportation funds and identifying timely and relevant transportation issues facing the State of California. Key excerpts from this year's report, which focuses on the critical funding issues facing transportation, are provided below:

- California’s transportation program is in crisis and on the verge of collapse. Where the state once had a transportation program funded almost exclusively from user fees protected by the California Constitution (gasoline taxes and weight fees), we now have a program dependent primarily on motor fuel sales taxes, without constitutional protection.

For each of the last four years, transportation funds have been taken to close the General Fund deficit. For the last two years, the CTC has been forced to stop making new allocations to projects from all three of the major components of the state transportation program: the State Highway Improvement Program (STIP), the State Highway Operation and Protection Program (SHOPP), and the Traffic Congestion Relief Program (TCRP). Cities and counties have not been receiving the state subventions committed to them in statute for local road rehabilitation and repair and state transit assistance.

- The near elimination of the state transportation construction program over the past two years is unprecedented, the result of a basic structural problem in California’s system of transportation financing.

The problems began soon after the enactment of the Traffic Congestion Relief Act of 2000. This act not only made promises and commitments that have not been kept, it made the entire state transportation program subject to the vagaries of the annual budget process. The constitutional firewall that had protected transportation funding for decades vanished over the next three years.

- An effective transportation program cannot survive when resources are suddenly advanced and withdrawn on an annual basis.

Transportation projects usually take several years to bring to fruition. Planning and environmental studies, design work, permits and mitigation strategies, and right-of-way acquisition all must precede construction. Reduced spending on pre-construction work means the delay of billions more in future years. This represents a loss to California's economy in terms of reduced productivity, increased congestion, increased user costs, and increased system operating and maintenance costs.

- The outlook for transportation funding in California depends on the resolution of unknowns in four areas: the approval of a revised funding plan for the toll bridge seismic retrofit program by the Legislature; the approval of a federal reauthorization act by Congress and the President; the resolution of the legality of the tribal casino revenue bonds and the determination of cash availability from their proceeds; and, most important of all, the actions of the Legislature with regards to the approval or suspension of Proposition 42 transfers and the repayment of outstanding loans.

If the revenues from the sales tax on gasoline are postponed or suspended for the fifth year in a row, it would be prudent to assume on the basis of the recent record, that no transfers would be available for the State Transportation Improvement Program (STIP). That assumption would mean the loss of over \$3.6 billion to the 2006 STIP. With most, and perhaps all, available State Highway Account funds needed to support safety and rehabilitation work through the SHOPP, this would mean the virtual collapse of the STIP.

The full text of this report can be viewed on the CTC website at <http://www.catc.ca.gov/> and then clicking on the link for the *2004 Annual Report to the Legislature*.